

### **REMARKS**

This is a full and timely response to the outstanding final Office Action mailed December 19, 2005. Upon entry of the amendments in this response, claims 1 – 8, 10, 11, 13 – 16 and 18 remain pending. In particular, Applicant has amended claims 7 and 15 as recommended by the Examiner in order to place those claims in condition for allowance. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **Indication of Allowable Subject Matter**

The Office Action indicates that claims 11, 13 and 14 are allowed. The Office Action also indicates that claims 7 and 15 would be allowable if rewritten to overcome the rejections indicated in the Office Action. In this regard, Applicant has amended claims 7 and 15 as recommended by the Examiner and respectfully asserts that claims 7 and 15 and their respective dependent claims are in condition for allowance. Notably, Applicant has amended claims 7 and 15 to use the term “or” to denote an inclusive “or,” i.e., “or” means one, the other or both, in contrast to an exclusive “or” that means one or the other, but not both.

### **Rejections Under 35 U.S.C. §102**

The Office Action indicates that claims 1 – 4 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Atkinson*. Applicant respectfully traverses the rejections.

In this regard, claim 1 recites, in pertinent part, “in response to an input corresponding to a power-off condition of the computer system, saving the data corresponding to the first portion of the volatile memory device in the non-volatile memory without saving the data corresponding to the second portion of the volatile memory device in the non-volatile memory” (emphasis added). This is in contrast to the teachings of *Atkinson*, which are

involved with a hibernating mode of operation, during which the computer remains powered. In this regard, the hibernating mode is a power-saving condition and not a power-off condition as those terms are commonly and ordinarily used. Thus, Applicant respectfully asserts that claim 1, which recites a limitation involved with a power-off condition, is allowable over the teachings of *Atkinson* without amendment. Therefore, Applicant respectfully asserts that claim 1 and its dependent claims are in condition for allowance.

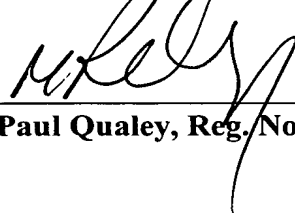
**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 2/15/06.

Stephanie Riley  
Signature